

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Patent Application of

ELMORE

Serial No. 08/981,087

Filed: May 27, 1998

Title: TYPE F BOTULINUM TOXIN AND USE THEREOF

Atty Dkt. 124-688

C# M#

Group Art Unit: 1644

Examiner: Turner, S.

Date: June 19, 2000

JUN 26 2000

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	35	minus highest number			
previously paid for	28	(at least 20) =	7	x	\$ 18.00
					\$ 126.00
Independent claims after amendment	6	minus highest number			
previously paid for	5	(at least 3) =	1	x	\$ 78.00
					\$ 78.00
If proper multiple dependent claims now added for first time, add \$260.00 (ignore improper)					\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$380.00/2 months; \$870.00/3 months)					\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00					\$ 0.00
First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$690.00)					\$ 0.00
Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$690.00)					\$ 0.00

☐ Please enter the previously unentered , filed**Subtotal \$ 204.00**If "small entity," then enter half (1/2) of subtotal and subtract **-\$ 0.00**☐ Statement filed herewithRule 56 Information Disclosure Statement Filing Fee (\$240.00) **\$ 0.00**Assignment Recording Fee (\$40.00) **\$ 0.00**Other: **0.00****TOTAL FEE ENCLOSED \$ 204.00**

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:NIXON & VANDERHYE P.C.  
By Atty: B.J. Sadoff, Reg. No. 36,663Signature: 

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D/16  
W.D.P.  
6/29/00

\* \* \* \* \*

June 19, 2000

Assistant Commissioner for Patents  
Washington, DC 20231

**SUPPLEMENTAL AMENDMENT**

Sir:

Supplemental to the Amendment filed June 16, 2000, entry and consideration of the following further amendments and remarks are requested.

**IN THE CLAIMS:**

Amend the claims as follows.

Add the following claim.

--27. An isolated fusion protein comprising a *C. botulinum* heavy chain type F botulinum neurotoxin amino acid sequence which lacks the amino acid sequences of the L chain and H<sub>N</sub> epitopes of said *C. botulinum* necessary for metalloprotease activity and

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01 FC:102  
02 FC:103

78.00 OP  
126.00 OP

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